

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

THE PROPERTY MANAGEMENT)	
CONNECTION, LLC, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 3:21-cv-00359
)	JUDGE RICHARDSON
CONSUMER FINANCIAL)	MAGISTRATE JUDGE NEWBERN
PROTECTION BUREAU, et al.,)	
)	
Defendants.)	

**RESPONSE IN OPPOSITION TO PLAINTIFFS’
MOTION FOR TEMPORARY INJUNCTION**

The United States of America responds to Plaintiffs’ Motion for Temporary Injunction and respectfully submits that it should be denied for the following reasons:

1. Plaintiffs Seek No Relief Against the United States

Plaintiffs seek to enjoin the enforcement of the Consumer Financial Protection Bureau’s (CFPB) Interim Final Rule, 86 Fed. Reg. 21163. (*See* D.E. 1: Complaint, *passim*; D.E. 6: Motion for Temporary Injunction, *passim*; D.E. 7: Memorandum, *passim*.) Specifically, the Complaint’s demand, repeated in both Counts I and II, provides as follows:

WHEREFORE, Plaintiffs demand declaratory judgment against CFPB setting aside and invalidating the CFPB Rule; an injunction prohibiting its enforcement and prohibiting the entry, reentry, promulgation, or extension of the CFPB Rule or any order like it requiring anyone seeking back rent in a rent or eviction proceeding to provide any information about the CDC Order, and any other relief that may be appropriate.

(D.E. 1: Complaint at PageID#: 21, 25.)

As Plaintiffs acknowledge, the CFPB is an executive agency with independent rule making and enforcement authority. (D.E. 1: Complaint at ¶ 5, PageID#: 3.) Pursuant to federal statute, the

CFPB is generally represented in federal court by its own attorneys, rather than attorneys from the Department of Justice. *See* 12 U.S.C. § 5564. While the Complaint names the United States as a Defendant, *see* 5 U.S.C. § 702, and the United States is represented by the Department of Justice, *see* 28 U.S.C. § 516, Plaintiffs seek relief exclusively against the CFPB. Relief against the United States, including any restraining order, has not been requested and should not be granted.

2. Injunctive Relief is Not Otherwise Warranted for Reasons Set Forth by the CFPB

Regardless of the foregoing, the United States agrees with the CFPB that a Temporary Restraining Order against any Defendant is not warranted and that the Plaintiffs have not carried their burden to demonstrate entitlement to this extraordinary remedy. Accordingly, the United States adopts and incorporates the arguments of the CFPB as set forth in its Response in all respects. (D.E. 17: Response of CFPB.)

CONCLUSION

Based on the foregoing, the United States submits that the Plaintiffs' request for a temporary restraining order should be denied.

Respectfully submitted,

MARY JANE STEWART
Acting United States Attorney
Middle District of Tennessee

s/J. Matthew Blackburn
J. MATTHEW BLACKBURN, BPR#027105
Assistant United States Attorney
United States Attorney's Office
110 Ninth Avenue South, Suite A-961
Nashville, TN37203-3870
Telephone: (615) 736-5151
Email: matt.blackburn@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2021, a copy of the foregoing Response was filed electronically. Notice of this filing will be sent to the following, if registered, by operation of the Court's electronic filing system. If not registered, notice was sent by First Class, United States mail, to:

Benjamin M. Rose
RoseFirm, PLLC
P O Box 1108
Brentwood, TN 37024
Email: ben@rosefirm.com

Caleb Kruckenberg
New Civil Liberties Alliance
1225 19th St. NW
Suite 450
Washington, DC 20036
Email: caleb.kruckenberg@ncla.legal

John Vecchione
New Civil Liberties Alliance
1225 19th St. NW
Suite 450
Washington, DC 20036
Email: jvecchione@valadlaw.com

Karen S. Bloom
Kevin Friedl
Consumer Financial Protection Bureau
1700 G St NW
Washington D.C. 20552
Karen.bloom@cfpb.gov
Kevin.friedl@cfpb.gov

s/J. Matthew Blackburn
J. MATTHEW BLACKBURN
Assistant United States Attorney